

September 23, 1955

Attorney General's

Richard C. Duncan

Eligibility of Aliens for Old Age Assistance Under
Vermont-New Hampshire Reciprocal Agreement

James J. Barry, Commissioner
Public Welfare
State House Annex
Concord, New Hampshire

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CONCORD, N.H.

Dear Mr. Barry:

You have inquired by your letter of September 7, 1955 as to my opinion of the applicability of the reciprocal agreement between Vermont and New Hampshire to the rendition of old age assistance to aliens who move from Vermont to New Hampshire or New Hampshire to Vermont.

The agreement in question makes no specific reference or exceptions to aliens and therefore they would be governed by the general provisions of the agreement. The agreement in substance provides that where a person moves from either state to the other, old age assistance will be granted by the receiving state notwithstanding residence requirements in the assisting state, if all other requirements are met.

Thus, if an alien moves from Vermont to New Hampshire qualifies for old age assistance, including ten years residence in the United States, he would be entitled to assistance under the agreement. Conversely, an alien moving from New Hampshire to Vermont would be entitled to assistance, notwithstanding the residence requirement in the state of Vermont, if he otherwise qualified under the appropriate Vermont requirements. This would, of necessity, include twenty-five years residence in the United States.

It is apparent that the requirements of eligibility of the two states, outside of actual residence in the state vary greatly and put a greater burden upon the alien moving to Vermont.

In view of this discrepancy it would appear that the subject is a proper one for clarification with the Vermont authorities and proper revision of the reciprocal agreement.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

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in Opinion

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September 23, 1955

Mr. Joseph R. Stuard, Director
State Veterans Council
12 Park Street
Concord, New Hampshire

Dear Mr. Stuard:

In reply to your letter of August 22, 1955 respecting the one year limitation as contained in RSA 165:16 (R.L. c. 124, s. 16) please be advised that it is my opinion that said limitation applies to the time in which a burial claim may be filed. I recognize that the section speaks of one year from the time of burial in which an account verified by vouchers of the sum so spent shall be sent to Council. If this is not done a fine of Ten (10) Dollars is authorized.

However, I do not believe that it was the intention of the section to limit the time in which a verified account of the burial expenses must be filed and still have the time in which a claim may be filed unlimited. A claim properly filed during the one year period must be supported during that time with a verified account or else the claimant is subjected to the fine. Where a claim has been properly filed it is not to be denied because the vouchers are not filed within the one year limit. The penalty is the above mentioned fine. However, I do not believe that if the claim is not filed it may thereafter be filed with the claimant automatically subject to the penalty as the verified account would not have been filed during the one year period.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

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